IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

ORDER

S.B.CRIMINAL MISC. PETITION NO. 1033/2005
(Sohan Lal V/s State of Rajasthan & Anr.)

Date of Order : 13/09/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Sandeep Mehta, for the petitioner.
Mr. Ashok Upadhyay, public prosecutor.
Mr. G.R.Bhari for the non-petitioner No.2.

BY THE COURT:-

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioner has challenged the order dated 15.7.2005 passed by Additional Sessions Judge, (Fast Track), Rajsamand (for short 'the revisional court' hereinafter) whereby the revision petition filed by the petitioner against the order dated 23.11.2004 passed by Judicial Magistrate, Railmagra (for short 'the trial court' hereinafter), releasing the vehicle in question in favour of non-petitioner No.2 on an application filed by him under Section 451 Cr.P.C., was dismissed.

I have heard learned counsel for the parties. Carefully gone through the orders passed by the revisional court and by the trial court.

Both the parties claim that the bus in question

belongs to them. On a report lodged by non-petitioner No.2 for the offence under Section 379 IPC, the bus in question was recovered and the trial court on considering the material before it came to the conclusion that the non-petitioner No.2 is entitled to possess the bus. That order came to be challenged before the revisional court and the revisional court also did not find any error in the order of the trial court. Therefore, there is concurrent finding of both the courts below against the petitioner. It cannot be said that the orders impugned would result in serious miscarriage of justice or abuse of process of any Court. The parties are yet to establish by evidence the ownership of the vehicle or right to possess it before the trial court in the main criminal case and ultimately the trial court while deciding the main case has to decide the disposal of the property under Section 452 Cr.P.C.

The petition has no force and is therefore, dismissed. Stay petition also stands dismissed. The trial court is directed to decide the main case lodged by the non-petitioner No.2 "State Vs. Daulat Ram and Ors." utmost expeditiously.

(H.R.PANWAR),J.

rp